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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,802	07/06/2000	Jonathan L. Zittrain	108087-119	4873

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Michael A Diener
Hale and Dorr LLP
60 State Street
Boston, MA 02109

EXAMINER

HU, JINSONG

ART UNIT PAPER NUMBER

2154

DATE MAILED: 04/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/610,802

Applicant(s)

ZITTRAIN ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-17 are presented for examination. Claims 1, 5, 8 and 12 have been amended; Claim 17 is newly added claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginn (US 6,052,732) in view of Ceretta et al. (6,370,355).

4. As per claim 1, Ginn teaches the invention substantially as claimed including a method for organizing a dialogue of messages between a moderator and a number of participants in communication over a network [col. 1, lines 18-20; col. 2, lines 36-37] comprising:

providing to the participants a question [95, Fig. 12; col. 9, lines 14-16];

receiving from each of one or more sending participants a first-round message in response to the question, said sending participant being those

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participants who send a first-round message in response to the question [col. 9, lines 16-26];

grouping at least some of the participants-into a plurality of groups [Fig. 12; col. 9, lines 27-41];

for one or more of the sending participants, automatically sending the received first-round message to one or more other participants with whom the sending participant is grouped [78, Fig. 11; col. 9, lines 10-12].

5. Ginn does not specifically teach the step of receiving from each of one or more of the receiving participants a follow-up message in response to the first-round message from the sending participant.

6. However, Ceretta on the other hand teaches the step of receiving from each of one or more of the receiving participants a follow-up message in response to the first-round message from the sending participant [col. 17, lines 31-36]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a follow-up message receiving step in Ginn's system because doing so would benefits the participants by provide them an opportunity to raise any issue regarding the first-round message. One of ordinary skill in the art would have been motivated to modify Ginn's system with the receiving follow-up message step to improve the integrity of the system.

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7. As per claims 2 and 3, Ginn teaches the groups are based on the registration information entered by participants [col. 3, lines 1-4; col. 6, lines 46-47].

8. As per claim 4, Ginn teaches the step of creating the group based upon the first-round messages [95, Fig. 12]

9. As per claims 5 and 6, Ceretta teaches repeating the following steps one or more times: sending one or more of the follow-up messages to one or more receiving participants with whom the sender of the follow-up message is grouped and receiving from one or more recipients of the follow-up message a follow-up message in response [col. 17, lines 31-36].

10. As per claim 7, Ginn teaches the step of automatically routing messages from a particular round to a specialist in the subject matter of the message [col. 4, lines 11 & 53-59; col. 7, lines 15-17; col. 13, lines 39-41].

11. As per claims 8-12, since they are system claims of claims 1-7, they are rejected for the same basis as claims 1-7 above.

12. As per claims 13-16, Ginn teaches a chat module that allows participants to send messages in real time over the network while respecting usage rules

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based on user roles [col. 11, lines 50-53] and a threaded messaging module that allows messages to be sent, posted, and archived [col. 5, lines 45-49].

13. As per claim 17, Ginn teaches a registration module for obtaining participant registration information [col. 3, lines 1-4; col. 6, lines 46-47].

Conclusion

14. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing

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date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for this Group 2100 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

April 1, 2004


ZARNI MAUNG
PRIMARY EXAMINER